

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
JULY 28, 2008**

I. Call to Order

The meeting was called to order by Vice President John Lounsbury at 6:10 p.m.

II. Roll Call

BOARD MEMBERS PRESENT: John Lounsbury, Pat Bradley, Dorothy Davis, Kathy Looney, Don Loyd, Dave Maddison, Eileen Pearce, and Ed Ruppel.

BOARD MEMBERS ABSENT: Lane Adamson, Laurie Schmidt, and Ann Schwend.

STAFF MEMBERS PRESENT: Charity Fechter and Lynn Rowberry

STAFF MEMBERS ABSENT: Jim Jarvis

OTHERS PRESENT: Jessi Fanelli and Kevin Germain

III. Minutes of the June 30, 2008 meeting

CORRECTIONS:

1. Don Loyd: Item B, Phase 4, page 4 should read Big Sky Mountain not Moonlight Basin.
2. Item II, page 11 talks about cistern upgrade needed, page 14 mentions extra fire hydrants installed. Do they still need the cistern? The water department will check pressure of the hydrants.
3. The findings of facts are missing.
4. Kathy Looney: Page 16; The sentence "It would be the longest vertical ski lift in the lower 48 states" should read "Combined with Moonlight Basin, it would be the greatest vertical drop ski lift in the lower 48 states."

<p>MOTION: To approve the minutes of the June 30, 2008 meeting with corrections. Moved by Ed Ruppel; seconded by Kathy Looney. Motion passed unanimously.</p>
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IV. President's Comments

There were not comments.

V. Opportunity for Public Comment

There was no public comment.

VI. Public Hearings

A. Preliminary Plat for Moonlight Basin Village Tracts Planned Unit Development

Vice President John Lounsbury opened the public meeting at 6:17 p.m. Planning Director Charity Fechter described the project with the assistance of the plats supplied by the developer. She showed the 5 developable tracts, open space tracts and road rights-of-way.

Site Description:

The proposed Village Tracts Planned Unit Development would create 5 developable tracts, 2 open space tracts and roadways totaling 161.83 acres. The irregularly-shaped development area is generally located on the east side of the Moonlight Basin development in the Cowboy Heaven, Entry, and Pony areas north of Diamond Hitch Subdivision. The terrain is mountainous, with some steep slopes and streams running through the property. The Overall Development Plan (ODP) for Moonlight Basin was amended on November 27, 2007.

Jack Creek Road, Lone Mountain Trail and the residential Cascade Subdivision in the Mountain Village area at Big Sky are on the eastern side of the proposed development area. The Moonlight Basin residential developments of Diamond Hitch and Cowboy Heaven lie to the south and west. The Saddle Ridge Townhouses and Moonlight Lodge are an island of development surrounded by the proposed tracts. The property to the north is undeveloped.

Existing uses within the proposed tracts include the Pony lift, overhead power lines, emergency access, roadways, drainfield easements, parking lot, and temporary structures.

Access to Moonlight Basin is through existing public and private roads. Lone Mountain Trail is 32-foot wide County road providing access to the Moonlight Basin entrance. Jack Creek Road is a private, gated road that provides secondary and emergency access to the property from Ennis. Roads within the area are privately owned and maintained.

The Frontier Formation (shale and sandstone) and Muddy Sandstone and Thermopolis Shale form the underlying geology. Soils found in the area are:

- MacFarlane stony sandy loam – deep and well drained, located mainly on glacial moraines and mountain sides. Steep slopes require aggressive revegetation and erosion control.
- Shadow very channery loam – deep and somewhat excessively drained, located on glacial moraines and mountain sides. Steep slopes require aggressive revegetation and erosion control.
- Worock-Mikesell complex – deep and well drained, located on mountain sides with the Worock being on the upper portion and Mikesell being near the bottom. Mikesell has low soil strength when wet.

A preliminary plat was approved for Cowboy Heaven Phase 3C on February 7, 2005. An extension to February 7, 2009, was granted on January 8, 2008, for Areas 4 and 5 (The Club at Moose Creek) and Area 6 (Lodge Parking Area). Moonlight Basin representatives have said that the preliminary plat approval for the Lodge Parking Area would be rescinded if this preliminary plat is approved.

Proposal:

The Village Tracts (Section 24) Planned Unit Development would create 5 developable tracts, 2 open space tracts and rights-of-way on the east side of Moonlight Basin. General land uses and a maximum residential unit cap are proposed for each of the developable tracts. No specific development plans have been presented for the developable tracts. Creating the tracts would allow Moonlight Basin to sell the tracts to others. Each of the developable tracts would be required to submit their proposals for review through the subdivision process before any development could occur.

To ensure that the tracts are developed according to the approved ODP and retain its character and standards established, Moonlight Basin has provided draft covenants and restrictions to be included in the deeds or contracts for sale (Appendix N). These restrictions include the residential unit cap, unit type and use, easements, parking, storm water control, compliance with Moonlight ODP conditions, contributions to employee housing, and site specific geotechnical investigations.

NAME	# acres	Proposed Use(s)	Comment
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Pony Village Tract	24.26	100 residential units Restaurants, resort retail, convenience/service, parking area, daycare	Existing easements for: 60' Diamond Hitch Road easement; Lot 47, Diamond Hitch, drain field; ski lift easement. Proposed 30' access easement on south side; 100' stream setback. Existing temporary structures.
Lodge Village Tract (Cowboy Heaven Phase 3C - Area 6)	4.20	20 residential units Resort retail, vision center, resort services	Lodge access and parking easement.
East Entry Village Tract	20.00	10 residential units Employee housing, gas station, restaurant	Existing overhead power line easement. Proposed 100' stream setback.
West Entry Village Tract	18.50	25 residential units Business center, resort services, concierge	Existing: temporary structures; overhead power line easement; emergency access easement.
North Entry Village Tract	25.97	25 residential units Resort retail, convenience/service, vision center, restaurants	Fronts on Jack Creek Road.
Open Space Tract 1	33.42	Open space, ski lift easement	Includes drain field easements for Lots 21 and 22 of Diamond Hitch
Open Space Tract 2	11.82	Open space	Stream.
Right-of-way (1)	3.20	Road to remain in common ownership: Peaks View Drive	Northwest loop of Peaks View Drive in Phase 3D
Right-of-way (2)	20.49	Roads to remain in common ownership: Peaks View Drive, Mountain Loop Road, Cowboy Heaven Road, Renegade Road	Internal roads from entrance in Phases 3B, Phase 2

No new roadways or road names are proposed with this at this time.

RECENT PUBLIC and AGENCY COMMENTS

Notification letters were sent via certified mail to all adjoining property owners and by first-class mail to agencies on July 11, 2008. A public hearing notice was published in *The Madisonian* on July 10 and 17, 2008. The following table summarizes the comments received to date.

REVIEW AGENCIES	COMMENTS
Madison County Planning	
Madison County Board of Commissioners (Road Supervisor)	
Madison County Sanitarian	
Madison County Weed Office	
Madison County Sheriff's Office (Big Sky)	
Madison County – Emergency Management	6/28/08 – Address concerns noted in review.
Madison County Risk Management coordinator	(see Emergency Management)
Madison County Communication Coordinator	
Gallatin Canyon Consolidated Rural Fire District	(see Emergency Management)
Big Sky Public Safety & Privacy, Inc.	
Northwestern Energy	
Ophir School	
Madison Conservation District	
Montana Dept. of Environmental Quality (Subdivision and TMDL)	
Montana Dept. of Fish, Wildlife & Parks, (FWP)	
Montana Department of Transportation-Bozeman	
Montana State Historic Preservation Office	5/29/08, 7/11/08 - No recorded sites. Low likelihood of impact.
US National Resource Conservation Service	
US Forest Service, Madison District	
US Army Corps of Engineers	

ADJACENT LANDOWNERS / PUBLIC	COMMENTS
Lily & Jose Azel (Mountain View, 25)	6/4/08 – Request for information on West Entry Village Tract
Otis Kramer (Cowboy Heaven 17)	6/4/08 – Phone – requested clarification of open space tracts
Chad Murdock (Cowboy Heaven 32)	6/10/08 – Phone – curious as to plans for Village Tracts
Larry Mendenhall (Saddle Ridge, I-5)	7/15/08 - Opposes any changes to parking area for Moonlight Lodge; concerned parking will not be adequate at Moonlight Lodge.
LIENHOLDERS / HOMEOWNERS ASSOCIATION	COMMENTS
Lehman Brothers commercial Bank	
Saddle Ridge Townhouses Homeowners Association	
Diamond Hitch Homeowners Association	
Ulery's Lakes & Timber Ride Homeowners Association	
Moonlight Lodge Homeowners Association	
CC1 Homeowners Association	
CC2 Homeowners Association	

Planning Board Pre-Application Comments – June 30, 2008.

- Will buyers/developers be held to the density of the ODP? Yes.
- Lee Poole had tried to sell the whole project. Is this a different direction? Yes. *Don't know where it's going to end up. The whole project may sell or Moonlight may develop the projects.*
- Where is the Lower Madison Planning Area? *Kevin illustrated by pointing to the map. It is located on the lower reaches of the Jack Creek Road.*
- Will doing it this way help to get prospective buyers involved? *Most of the potential buyers are afraid of the project.*
- How closely associated are you with the Lost Lakes project? *We have been working with them closely.*

STAFF DISCUSSION

A. Application Completeness

In accordance with the Madison County Subdivision Regulations, the County Planning Staff reviewed this application for completeness and found it to be complete on July 8, 2008.

B. Public Interest Criteria

1. Effects on Agriculture

The property has not been utilized for crop reduction. Logging and cattle grazing have occurred in some areas of Moonlight, but this area has not been used for agricultural purposes for some time. A Declaration of the Right to Farm is a requirement for final plat approval.

None of the project area has been utilized for crop production nor is it used for cattle rangeland. Based on the information provided, the cumulative effects on agriculture are acceptable.

2. Effects on Agricultural Water User Facilities

There are no agricultural water use facilities on the site. Moonlight Basin reuses water extensively to reduce water demand. Site development is not expected to conflict with down-gradient agricultural operations.

Based on the information provided the cumulative effects on agricultural water user facilities are acceptable.

3. Effects on Local Services

Treeline Springs community water and wastewater treatment systems will serve the Village Tracts. Although each tract has access to existing water and sewer mains, future water and sewer main extensions will be required to serve the entire tracts. The future main extensions will be included with the subdivision reviews done for the individual tract development. A May 29, 2008, letter from Stahly Engineering states that Treeline Springs "currently has water rights to serve the future development of the Village Tracts."

Moonlight Basin formed a private solid waste collection area. Solid waste is brought to a centralized compactor near the entrance of Moonlight Basin, where the municipal waste is compacted. Allied Waste Services hauls the waste to the Logan landfill. Moonlight Basin contracts Four Corners Recycling to haul and process recyclables.

No new roadways will be needed to serve the proposed tracts. Roadways required to serve development on the Tracts will be

constructed by the developers and privately maintained. The right-of-way tracts are existing roadways already serving the development.

Moonlight Basin employees and subcontractors who use Jack Creek Road are required to carpool. Moonlight purchased a 30-seat bus that runs from the Bozeman area to Moonlight daily, and uses two vans to shuttle employees from the Madison Valley. Moonlight has also sponsored Skyline Bus to provide public transportation to the area year-round. Within the 2007 Amended ODP, the developer committed to paying a “proportionate share of improvement costs related to external, public roadways”. A comprehensive, county-initiated traffic study for the greater Big Sky area is currently in the early planning stage.

Few permanent residents with school-age children are expected in the development area. No comment was received from the Ophir School.

The area is served by the Gallatin County Consolidated Rural Fire District (Big Sky Fire Department). The estimated response times for fire and EMS are estimated at 10-20 minutes. Law enforcement is currently provided through an interlocal agreement with Gallatin County.

Employee/affordable housing is proposed for the East Entry Village. Moonlight is constructing affordable employee housing in the form of 4 apartments at the Golf Maintenance Shop. Plans for apartment-style housing on the Administrative Tract at the Moonlight Basin entrance are being developed. Moonlight hopes to have this be its first LEED certified project.

No comment was received from the power and telephone utilities serving the area.

Based on the information provided, the cumulative effect on local services is acceptable.

4. Effects on the Natural Environment

A noxious weed management plan was submitted to the Madison County Weed Board.

The application included a Land Stewardship Plan addressing vegetative health, public access, wildlife, livestock grazing and other agricultural uses, recycling, and water resources protection.

Moonlight Basin holds permits from the Montana Department of Environmental Quality (MDEQ) permit for Storm Water Discharge

Associated with Construction. These permits regulate the measures to be used during construction, and describe the Best Management Practices to be used to prevent erosion and water pollution, and establish vegetation after construction. Permanent storm water improvements in the development areas are evaluated by MDEQ during subdivision review.

Moonlight started the Jack Creek Monitoring Project in 2006. It is a joint effort by concerned landowners to evaluate and understand the effect of headwater development on the water quality and quantity in the Jack Creek watershed. Jack Creek is listed by the MDEQ as impaired as to sediment load, with the probable causes related to agriculture. A 100' buffer adjacent to the streams is proposed for the developable tracts. No buffer is identified in the Open Space tracts.

Construction is not anticipated until the tract development plans are submitted for subdivision review. Revegetation efforts are intended to prevent soil erosion, encourage growth to lessen invader species, and incorporate native species to provide forage for wildlife. Reseeding is to be done on disturbed areas to maintain as much native vegetation as possible through the use of approved seed mixes and to utilize landscape plans that incorporate as many native, locally adapted species as possible.

Air quality can be affected during construction periods. As the properties develop, they would be expected to continue Moonlight's practice of controlling emissions to the extent practicable.

Existing development has been subject to water resource protection measures and wetland mitigation, as appropriate. Future subdivision of the developable tracts would be expected to follow the best practices and to acquire any necessary permits.

Except for the North Entry Village, which is in an area identified as having potential risk of slope instability, no natural hazards have been identified as affecting the property. The soil types and geology are such that site specific geotechnical analysis is required.

Based on the information provided and proposed mitigation measures, the cumulative effects on the natural environment are acceptable.

5. Effects on Wildlife and Wildlife Habitat

Bear, deer, elk, moose, wolverines, bobcats, snowshoe hare and other animals are found in the Moonlight Basin area. The Moonlight Basin ODP identifies the center of the entire project as a wildlife corridor.

This proposal is in the developed area on the eastern side of Moonlight. The Lodge Village and Pony Village Tracts are within or adjacent to the Cowboy Heaven and Diamond Hitch developments at Moonlight. The Mountain Village area at Big Sky is immediately east of the North, West and East Entry Village Tracts. Buffers 100' on either side of the streams and the Open Space tracts will help protect the riparian areas.

Based on the proximity to the developed areas of Moonlight and Big Sky, the information provided, and the proposed mitigation, the cumulative effects on wildlife and wildlife habitat are acceptable.

6. Effects on Public Health and Safety

A risk of unstable slopes has been identified at the North Entry Village. Site specific geotechnical assessment will be required for all tracts. Individual site evaluations should be required before construction.

Adequate water supply can be obtained for the development.

Solid waste is compacted and stored in a sealed bear-proof container at a centralized facility.

Moonlight Basin has a fuels mitigation program in place. Fire protection water is supplied through fire hydrants that meet the Big Sky Fire Department requirements.

A high-voltage power line passes through the area. Past practice has been to keep residential development removed from the power line.

Emergency response to the site is estimated at 10-20 minutes.

Based on the information provided, the cumulative effects on public health and safety are acceptable.

7. Effects on Other Resources in the County

There are no known mineral resources of value in the area. The development will continue to add to the County's outdoor recreation, tourism and scenic resources.

The Moonlight Basin development is not located on previously owned public land.

Based on the information provided, the cumulative impacts on other resources in the county are acceptable.

8. Effects on the Local Economy

Moonlight Basin is a major recreation and tourism destination. Moonlight intends to include covenants and restrictions that would ensure the tracts would be developed so as to be consistent with Moonlight's approved ODP.

Based on the information provided, the cumulative impacts on the local economy in the county are acceptable.

9. Effects on Public Services Provided by Other Entities in the County

Road maintenance and utilities will continue to be provided through homeowners associations and Treeline Springs. No impact on other public services is anticipated.

Based on the information provided, the cumulative impacts on the public services provided by other entities in the county are acceptable.

C. Legal and Physical Access

The Moonlight Basin entrance is accessed from the east by a 32-foot wide, paved county road which is an extension of State Highway MT 64 (the Big Sky Spur Road). Jack Creek Road, a private, gated road from Ennis provides secondary emergency access from the west. Access roads within Moonlight Basin subdivisions are privately owned and maintained by Moonlight Basin Ranch.

D. Park Dedication

The 45.24 acres in the two Open Space Tracts represents 28% of the subdivision land area. These tracts include ski runs/trails, wooded areas and open parks, critical for the recreational activity.

E. Substantial Compliance with the Comprehensive Plan/Growth Policy

The Village Tracts PUD substantially complies with the Comprehensive Plan/Growth Policy, as outlined in Appendix U of the preliminary plat application.

F. Special Requirements for Planned Unit Developments

The preliminary application includes a statement related to the special requirements for a planned unit development.

1. Open space and recreation are provided in the 45.24 acres of Open Space Tracts. All tracts are accessible by existing roadways. Water and wastewater utilities are available.
2. Moonlight Basin will continue to monitor the open space areas.
3. Covenants and bylaws addressing the management of common areas in the developable tracts are to be in place prior to any final sales.

4. Treeline Springs will provide water and sewer service. Utility and road schedules will be available once the Tracts are designed and subdivided.
5. No design modifications have been proposed.
6. The proposed PUD advances at least 3 of the 5 purposes described in IV.B.8.(6)(a)-(e).
 - a. The natural characteristics of the land are preserved to the maximum extent possible through streamside buffers and open space tracts.
 - b. Existing roads will serve the tracts. Each developable tract already has water and sewer service available to it.
 - c. No agricultural lands are displaced. Open space represents 28% of the total area. Streamside buffers protect some wildlife habitat.
 - d. There are no historic sites or structures to preserve.
 - e. The entire development centers on recreational activities.

G. Conditions of 2007 Overall Development Plan Approval

Conditions attached to the 2007 approval of the ODP require that additional material be submitted with each phase of development. The information submitted addresses the requirements for:

- Recent and proposed efforts made toward implementing the Fire Management Operations Guide / Fuels Operation Plan. The information was provided.
- Evidence of annexation of that phase into the Gallatin Canyon Consolidated Rural Fire District. The Village Tracts have been annexed into the GCCRFD.
- Provide affordable employee housing opportunities. Information on proposed housing at entrance included. Apartment construction started at Golf Maintenance Shop. East Entry Village slated for up to 25 employee housing units.

PROPOSED FINDINGS OF FACT

The preliminary plat and supplements have been reviewed to determine the proposed subdivision compliance with the Montana Subdivision and Platting Act, Madison County Subdivision Regulations, and Madison County Comprehensive Plan/Growth Policy.

In accordance with state law, the Planning Office proposes the following Findings of Fact based on the local government review criteria as set forth in Section 76-3-608, MCA and the Madison County Subdivision Regulations.

A. Application Completeness – Application is complete.

B. Public Interest Criteria

The effects on all public interest criteria are acceptable, as follows:

1. Effects on Agriculture
None of the project area has been utilized for crop production nor is it used for cattle rangeland. Based on the information provided, the cumulative effects on agriculture are acceptable.
2. Effects on Agricultural Water User Facilities
Based on the information provided the cumulative effects on agricultural water user facilities are acceptable.
3. Effects on Local Services
Based on the information provided, the cumulative effect on local services is acceptable.
4. Effects on the Natural Environment
Based on the information provided and proposed mitigation measures, the cumulative effects on the natural environment are acceptable.
5. Effects on Wildlife and Wildlife Habitat
Based on the proximity to the developed areas of Moonlight and Big Sky, the information provided, and the proposed mitigation, the cumulative effects on wildlife and wildlife habitat are acceptable.
6. Effects on Public Health and Safety
Based on the information provided, the cumulative effects on public health and safety are acceptable.
7. Effect on Other Resources in the County
Based on the information provided, the cumulative impacts on other resources in the county are acceptable.
8. Effects on the Local Economy
Based on the information provided, the cumulative impacts on the local economy in the county are acceptable.
9. Effects on Public Services Provided by Other Entities in the County
Based on the information provided, the cumulative impacts on the public services provided by other entities in the county are acceptable.

C. Legal and Physical Access

Existing roadways provide access to all tracts. Easements are shown on the plat.

D. Parkland Dedication

Parkland dedication is not required.

E. Substantial Compliance with the Comprehensive Plan/Growth Policy

The proposal substantially complies with the comprehensive plan/growth policy.

F. Special Requirements for Planned Unit Developments

This is a clustered development and accomplishes at least three of the five purposes. The special requirements for Planned Unit Developments are met.

G. Conditions of 2007 ODP Approval

1. ODP Condition #1 - Fire Management Operations Guide/Fuel Management Plan - Show recent and proposed efforts made toward implementing the Fire Management Operations Guide/Fuel Management Plan). Information was provided.
2. ODP Condition #2 – GCCRFD Annexation - Provide evidence of annexation of that phase into the GCCRFD or providing a similar level of service and protection. The property is within the GCCRFD,
3. ODP Condition #3 – Employee Housing - Provide report on employee and/or affordable housing opportunities in the Moonlight development and address this issue in detail. Information was provided with the application. The proposed covenants and restrictions for sale include a provision to provide housing or participate in its funding. Twenty-five employee housing units are proposed for the East Entry Village.
4. ODP Condition #5 – Geotechnical Report - Submit a preliminary phase /site specific geotechnical assessment with each preliminary plat application and a more detailed, site specific evaluation prior to final plat approval. A geotechnical report was submitted. A detailed geotechnical report will be required as each tract is developed.
5. ODP Condition #6 – Avalanche Analysis - Submit phase/site specific avalanche information with each tract's preliminary plat application. Information was submitted.
6. ODP Condition #7 – Cultural Resources - Submit a phase/site specific cultural resource evaluation with each preliminary plat application. Report by Scott Carpenter done in July 2006 deemed adequate by State Historic Preservation Office.
7. ODP Condition# 8 – Wildlife Update - Provide phase and land use specific evaluations of anticipated impacts on wildlife and wildlife habitat as well as evidence of current and proposed steps taken to limit impacts to wildlife and wildlife habitat. Information was submitted.

8. ODP Condition #12 – Trails - The developer shall work with the Forest Service and MT FWP on trails planning and wilderness use. A status report with phasing plan was provided.

Conclusions

As proposed, the subdivision will:

- be in compliance with all applicable rules and regulations;
- have an acceptable impact on each of the six public interest criteria, plus other resources in the County, the local economy, and public services provided by other entities in the County;
- be in substantial compliance with the County Comprehensive Plan/Growth Policy;
- be in compliance with the Overall Development Plan adopted on November 27, 2007; and
- Be in compliance with the special requirements for planned unit developments.

STAFF RECOMMENDATIONS

Based on the Staff Discussion and proposed Findings of Fact, the Planning Office recommended approval of the of the preliminary plat for the Village Tracts Planned Unit Development at Moonlight Basin, subject to 10 standard conditions, 10 site-specific conditions, and 8 ODP-specific conditions.

[Standard conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body. *II-H and Chapter IV, MCSR; 76-3-611, MCA.*
2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix R. of 2006 Madison County Subdivision Regulations) must be filed with the final plat. *II-H.2 and II-H.4. (a)-(c) MCSR ; 76-3-611, MCA*
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lien holders or claimants of record against the land, and the written consent to the subdivision from any lien holders or claimants of record against the land. *II-G(c) and Appendix K, MCSR; 76-3-612, MCA*
4. All road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat. *II-G and Appendix K, MCSR; Uniform Standards for Final Subdivision Plats (8.94.30003, ARM); 76-3-504 and 76-3-608, MCA*

5. Future modification of any elements shown on the plat may not be made without County review and approval. *IV-A.14 and 19, MCSR; Section 27-30-101, MCA*
6. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by the Madison County to protect public health and safety on public roads leading to the subdivision.
IV-A 9 (a)–(h) MCSR; 76-3-608 MCA
7. Prior to final plat approval, temporary physical addresses must be assigned to each lot in accordance with Madison County's rural addressing and Emergency 911 system. *IV-A 9 (k-2) MCSR; 76-3-608 MCA*
8. Upon completion of road improvements and prior to building construction, a permanent address shall be assigned to each building site. Individual address signs shall be erected at the driveway entrances. *IV-A 9 (k-2) MCSR; 76-3-608 MCA*
9. In the event that the road, utilities or other required improvements are not completed prior to final plat submission, a Subdivision Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit or other guarantee must cover the time period needed to complete project improvements. *IV-A 14 (c-2) MCSR; 76-3-608 MCA*
10. Full compliance with DEQ sanitation submittal and approval requirements shall be shown before Final Plat approval. *IV-A 16 (a,c,d,e), Appendix H & N MCSR; 76-3-622 MCA*

[Additional site-specific conditions]

11. The approval is limited to the tract configuration and generalized land use only. Preliminary plat applications consistent with the approved Moonlight Basin Overall Development shall be submitted to the County for the developable tracts (North Entry Village, West Entry Village, East Entry Village, Lodge Village and Pony Village). Preliminary plat approval is required before the lots may be developed. *IV – A 4, IV-B 4, IV-B 8 (a), MCSR; 76-3-608(3)(a) and (4), MCA.*
12. The maximum number of residential units allowed at Moonlight Basin is not changed from that in the Overall Development Plan approved on November 27, 2007. Adjustments to the residential unit allocations will be made as the developable lots are subdivided. The maximum number of residential units

on the developable tracts is as follows: North Entry Village – 25; West Entry Village – 25; East Entry Village – 10; Lodge Village – 20; Pony Village - 100. *IV-A 4, IV-B 4, IV-B 8 (a), MCSR; 76-3-608(3)(a), MCA.*

13. The preliminary plat application submitted for each of the developable tracts shall include a statement of capacity and connection authorization from Treeline Springs. *IV-A 16 (a,c,d,e), Appendix H & N MCSR; 76-3-622 MCA*
14. The covenants and restrictions to be included in deeds or contracts for sale of each of the tracts include the list of items shown in Appendix N. *II-E 2 (b-d), IV-B 4, IV-B8, MCSR; 76-3-608(3-5)*
15. The East Entry Tract and West Village Tract preliminary plat applications shall include provisions to restrict residential proximity to the overhead power line. *II-E 2(b, d), MCSR; 76-3-608(3)(a), MCA.*
16. Covenants and bylaws consistent with the approved ODP must be submitted with the applications for each of the developable tracts. *IV-B 8(a),(b), MCSR; 76-3-608(3)(b), 608(4), MCA.*
17. Jointly participate with other Big Sky area developers in a Madison county led study to address traffic safety issues on US 191 and MT 64. *II-E 2 (b-1), IV-A 9 MCSR; 76-3-608(3)(a), MCA*
18. Provide a phase/site specific proposal to limit or prevent impacts to water quality as well as evidence of recent and current steps taken to protect water quality in the form of a DEQ storm water management plan. *II-E 2 (b-1), IV-A 16 MCSR ; 76-3-608(3)(a), MCA*
19. Provide a phase/site specific evaluation of impacts to law enforcement resources and proposed measures intended to mitigate those impacts if appropriate. *II-E 2 (b-1), IV-A 14 MCSR ; 76-3-608(3)(a), MCA*
20. Submit a phase/site specific wetland evaluation and 404 permit application with each tract's preliminary plat application. *II-E 2 (b-1), MCSR ; 76-3-608(3)(a), MCA*

[ODP-Specific Conditions]

1. Show recent and proposed efforts made toward implementing the Fire Management Operations Guide/Fuel Management Plan with each tract's submittal. (ODP Condition #1 - Fire Management Operations Guide/Fuel Management Plan) *II-E 2 (b-1), IV-A 14 MCSR; 76-3-608(3)(a), MCA*
2. With the submittal of each tract for subdivision review, provide evidence of annexation of that phase into the GCCRFD or providing a similar level of

service and protection. (ODP Condition #2 – GCCRFD Annexation) *II-E 2 (b-1), IV-A 14 MCSR; 76-3-608(3)(a), MCA*

3. Provide report on employee and/or affordable housing opportunities in the Moonlight development and address this issue in with each tract's preliminary plat application. The East Entry Village shall provide at least 25 employee housing units. (ODP Condition #3 – Employee Housing) *II-E 2 (b-1), IV-B 5 MCSR; 76-3-608(3)(a), MCA*
4. Submit a preliminary phase /site specific geotechnical assessment with each preliminary plat application and a more detailed, site specific evaluation prior to final plat approval. (ODP Condition# 5 – Geotechnical Report) *II-E 2 (b-1), IV-A 21 MCSR; 76-3-608(3)(a), MCA*
5. Submit phase/site specific avalanche information with each tract's preliminary plat application (ODP Condition# 6 – Avalanche Analysis) *II-E 2 (b-1), MCSR; 76-3-608(3)(a), MCA*
6. Submit a phase/site specific cultural resource evaluation with each preliminary plat application (ODP Condition #7 – Cultural Resources). *II-E 2 (c-1), IV-A 22 MCSR; 75-3-608(3)(b), MCA*
7. Provide phase and land use specific evaluations of anticipated impacts on wildlife and wildlife habitat as well as evidence of current and proposed steps taken to limit impacts to wildlife and wildlife habitat. (ODP Condition# 8 – Wildlife Update) *II-E 2 (b-1), IV-A 20 MCSR; 76-3-608(3)(a), MCA*
8. The developer shall work with the Forest Service and MT FWP on trails planning and wilderness use (Condition #12 – Trails Update). *II-E 2 (b-1), (c-1), IV-A 8, 20 MCSR; 76-3-608(3)(a), MCA*

To ensure compliance with the conditions listed above, the final plat and accompanying documents shall be submitted to the County Planner, prior to final plat approval by the Board of Madison County Commissioners and recording by the Madison County Clerk and Recorder.

If the preliminary plat is approved, the landowner shall have three calendar years from the date of County Commission approval to apply for final plat approval. The landowner may request a time extension of preliminary plat approval, but such request must be received in writing thirty (30) days prior to the three-year expiration date, in accordance with Section II-F of the Madison County Subdivision Regulations.

In accordance with Montana state law, the subdivider may appeal Madison County's decision on this subdivision application.

Developer's Statement

Kevin Germain gave an over view of the Preliminary Plat. There are no detailed plans for these parcels at this time. Treeline Springs will supply the water and sewer for the future tracts. All covenants and restrictions are believed to have been fulfilled. Moonlight is requesting that ODP-Specific Condition #3 be modified to allow some flexibility on the placement of the employee housing. There is no problem with the number of units but they would like flexibility to place it throughout if the East Entry Village Tract cannot accommodate all of it. Law Enforcement housing would be included with the employee housing.

Public Comment – There was no public comment. Vice President John Lounsbury closed the hearing at 6:43 P.M.

Board Discussion

Tract Development

- **As each tract is developed would that tract then need to do a preliminary plat?** *(Charity Fechter) Yes. This plat creates lots that could be sold, but detailed development plans are needed.*

Septic Systems

- **Moonlight Basin has the most up to date septic system there is. How will the waste water be used?** *(Kevin Germain) The type of system used is called a MBR (Membrane Biological Reactor). The base of the Six Shooter is the collection area and is gravity feed. Water is reconditioned and used to irrigate the golf course. There is a lot of excess waste water and we are discussing with the DEQ the possibility of using this water to create snow. The water would purified to the standards of drinking water and very safe.*

Wildlife Report

- **Although allowed for corridor with the development of this area there is less and less room for the animals.**

Impact on other resources in the county.

- **Why is there the statement "The Moonlight Basin development is not located on previously owned public land" included in the Staff Report?** *(Charity Fechter) This is part of evaluating the impact on other resources in the County. If it had previously been BLM, Forest Service or other public land it would be mentioned.*

Other

- Charity did a great and thorough job on the staff report. Moonlight Basin does a wonderful job on the preliminary plat.
- ODP-Specific Condition #3 should be modified so that the 25 employee housing units required in the East Entry Village could be reallocated to other areas upon agreement with the Planning Board.

MOTION: Recommend approval with the conditions set forth by staff, except ODP-specific Condition #3 is to be modified to allow the 25 employee housing units in the East Entry Village to be reallocated to other areas upon Planning Board approval. Moved by Dave Maddison, seconded by Don Loyd. Motion carried unanimously.

VII. Annual Report

Charity gave Marilee credit for writing this annual report. Upon reviewing the report it was noted that the number of single-family lots in Madison Valley was incorrect. The number given appears to be the acres developed instead of lots. Charity will double check this.

Pat Bradley commented that she had counted about 400 lots in the \$30,000 to \$500,000 range for sale; 330 in Madison Valley and 66 in the Ruby area. There are 66 in the Madison Valley and 42 in the Ruby area listed at less than \$200,000.

Kathy Looney asked for more information on the Evasion Review Board (ERB). Charity explained who attended and when they met. She explained the board meets to determine whether requests are subdivision exemptions or an attempt to evade subdivision regulations. The types of exemptions include family conveyances, agricultural exemptions, boundary adjustments and mortgage exemptions. Dave Maddison commented that he thought the boundary adjustment exemption is a bigger loophole than family conveyances.

VIII. Old Business

A. Ordinance 2-2008 – Amendments to Appendix A, Definitions

This ordinance was adopted and will go into effect on August 7, 2008.

B. Streamside Protection Regulations, status report

Charity presented the status report. There had been some discussion on stopping work on the regulations. The Streamside Protection Advisory Committee felt it was necessary continue working on developing an

ordinance. Kathy Looney explained how a few property owners had started participating in the Madison Valley Growth Solutions. She feels that this group is representing only their interests, not the overall process. The next Streamside Committee meeting will be Thursday, July 31, 2008.

C. Site Tour Summary for Elk Run Subdivision

Ed Ruppel noted that some of the lots are in the Rochester Creek floodplain. While this is an ephemeral stream, it will still flood. Close attention will need to be paid to the floodplain when the preliminary plat is considered. Some felt that David Elias was not familiar enough with the project to give all the information that was needed. Kathy Looney wanted to know who the middleman referred to in the report was. Charity thought it was Andy Nye.

D. Geology Field Trip – Jack Creek, July 11

Everyone thanked Ed Ruppel for the fantastic and interesting tour. It was expressed that it was very useful when reviewing the material submitted for the Village Tracts PUD. Mr. Ruppel corrected the name of the Megashear. It is the Great Divide or Deadman not Madison. He then described the geology of the area and expressed his concern over people not using the specialized foundations needed. The need for a Geology Ordinance and how it would protect the County was discussed.

E. Other

There was no other old business.

IX. New Business

A. Planning Board Members Reports

Pat Bradley shared an article on the Beaverhead Planning Board using a formula to determine how many animals can be supported on a parcel of land. The members of the Madison County Planning Board agreed this was not something they wished to do.

B. Planning Office Report

Charity included the information in the packets. It was asked if the Sagebrush Towers Project had been approved. The hearing was held on July 7th but a decision was postponed until all 3 commissioners could be there. They will vote on the Sagebrush Energy proposal on July 29th.

There will also be a hearing on Madison Valley Renewable Energy's request for 8 additional MET towers.

C. Other

There was no other new business.

X. Adjournment

The meeting was adjourned at 7:30 p.m.

Ann Schwend, President

**Lynn Rowberry, Acting
Secretary**